Exhibit NN

	Pag
- BORIS GRONENBERG -	
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
BONNY GAS TRANSPORT LIMITED, as owner of the LNG FINIMA (IMO No.7702401),)) CASE NO.
Plaintiff,) 14-cv-9542 (V
-against-))
O.W. BUNKER GERMANY GMBH, NUSTAR TERMINALS MARINE SERVICES, N.V., NUSTAR ENERGY SERVICES, INC., ING BANK N.V.,)))
Defendants.)
HAPAG-LLOYD AKTIENGESELLSCHAFT,))
Plaintiff,) CASE NO.) 14-cv-9949 (V
-against-))
U.S. OIL TRADING LLC, O.W. BUNKER GERMANY GMBH, O.W. BUNKER & TRADING A/S, ING BANK N.V., CREDIT AGRICOLE S.A.,))))
Defendants.)
HAPAG-LLOYD AKTIENGESELLSCHAFT,)
Plaintiff,) CASE NO.) 14-cv-10027 (
-against-)
O'ROURKE MARINE SERVICES, L.P., L.L.P., O.W. BUNKER GERMANY GMBH, O.W. BUNKER USA, INC., ING BANK N.V.,))))
Defendants.)
February 24, 2016 9:05 a.m. DEPOSITION OF BORIS GRONENBERG	

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Page 2
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    BORIS GRONENBERG -

                                                                                                  - BORIS GRONENBERG -
       UNITED STATES DISTRICT COURT
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                                                                                        APPEARANCES: (cont'd)
      SOUTHERN DISTRICT OF NEW YORK
                                                                                 3
                                                                                        BLANK ROME LLP
      U.S. OIL TRADING LLC,
                         ) CASE NO.
                                                                                        Attorneys for NuStar
                           ) 15-cv-6718 (VEC)
            Plaintiff.
                                                                                 4
                                                                                           717 Texas Avenue, Suite 1400
                                                                                           Houston, Texas 77002
      M/V VIENNA EXPRÉSS, her tackle, )
                                                                                 5
                                                                                        BY: KEITH B. LETOURNEAU, ESQ. (Via videoconference)
      boilers, apparel, furniture.
      engines, appurtenances, etc., )
in rem: M/V SOFIA EXPRESS, her
                                                                                 6
                                                                                 7
                                                                                        ALSO PRESENT:
       tackle, boilers, apparel,
      furniture, engines, appurtenances, )
                                                                                           Ms. A.J. Elterman, Interpreter
       etc., in rem,
                                                                                 8
            Defendants.
                                                                                 9
11
      HAPAG-LLOYD AKTIENGESELLSCHAFT, as )
Claimant to the M/V VIENNA EXPRESS, ) CASE NO.
                                                                                10
                                                                                11
13
             Counter-Claimant and
                                                                               12
             Third-Party Plaintiff, )
14
                                                                                13
         - against -
                                                                               14
15
      U.S. OIL TRADING LLC,
                                                                               15
16
             Counter-Defendant and
                                                                               16
      Counter-Detendant and )
Pages 18 - 19
O.W. BUNKER GERMANY GMBH, O.W. ) have been BUNKER TRADING A/S, ING BANK N.V., ) designated as and CREDIT AGRICOLE CORPORATE AND ) Highly INVESTMENT BANK, a division or arm ) Confidential
17
                                                                               17
18
                                                                                18
19
                                                                                19
       of CREDIT AGRICOLE S.A.,
                                                                                20
             Third-Party Defendant.
                                                                                21
21
      DATE: February 24, 2016
                                                                                2.2
             VIDEOCONFERENCE DEPOSITION OF BORIS
23
                                                                                23
      GRONENBERG, held at the offices of McDermott Will
                                                                                24
      & Emery, 340 Madison Avenue, New York, New York, pursuant to Notice, before Hope Menaker, a Shorthand
24
                                                                                2.5
       Reporter and Notary Public of the State of New York
                                                                                                                                              Page 5
                                                              Page 3
               - BORIS GRONENBERG -
                                                                                                  - BORIS GRONENBERG -
                                                                                 1
       APPEARANCES
                                                                                                 IT IS HEREBY STIPULATED AND AGREED by
                                                                                 2
       SEWARD & KISSEL LLP
       Attorneys for Defendant ING Bank N.V.,
                                                                                 3
                                                                                        and among the attorneys for the respective parties
      as Security Agent:
         One Battery Park Plaza
                                                                                 4
                                                                                        hereto, that the sealing and filing of the within
      New York, New York 10004
BY: BRIAN P. MALONEY, ESQ.
                                                                                 5
                                                                                        deposition be waived.
         LAURA E. MILLER, ESQ
                                                                                 6
      FREEHILL HOGAN & MAHAR LLP
                                                                                 7
                                                                                                 IT IS FURTHER STIPULATED AND AGREED
 8
       Attorneys for Hapag-Lloyd Aktiengesellschaft
                                                                                        that all objections, except as to the form, are
         80 Pine Street
         New York, New York 10005
                                                                                 9
                                                                                        reserved to the time of trial.
      BY: MICHAEL FERNANDEZ, ESQ. (Via telephone)
1.0
         MICHAEL DEHART, ESO.
                                                                               10
       CLYDE & CO. US LLP
                                                                               11
                                                                                                 IT IS FURTHER STIPULATED AND AGREED
       Attorneys for U.S. Oil Trading LLC
12
                                                                               12
                                                                                        that the within examination and any corrections
         405 Lexington Avenue
         New York, New York 10174
13
                                                                               13
                                                                                        thereto may be signed before any Notary Public
      BY: CASEY D. BURLAGE, ESQ.
14
                                                                               14
                                                                                        with the same force and effect as if signed and
15
       McDERMOTT WILL & EMERY
                                                                               15
                                                                                        sworn to before this Court.
      Attorneys for O.W. Bunker Germany GMBH 340 Madison Avenue
16
                                                                               16
         New York, New York 10173
17
      BY: DARREN AZMAN, ESQ.
                                                                               17
         MICHAEL GALEN, ESQ.
                                                                               18
18
         ULRIKE WITT, ESQ.(via videoconference)
       -and-
                                                                               19
      HILL RIVKINS LLP
19
         45 Broadway, Suite 1500
                                                                               20
         New York New York 10006
      BY: JUSTIN M. HEILIG, ESQ. (via videoconference)
                                                                               21
21
                                                                               22
22
       SIMMS SHOWERS LLP
       Attorneys for O'Rourke Marine Services L.P.
                                                                               23
23
         201 International Circle, Suite 250
         Hunt Valley, Maryland 21030
                                                                               24
                                                                                                        -000-
      BY: MARIOS J. MONOPOLIS, ESQ. (via teleconference)
                                                                               25
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1 2	Page 42		Page 44
	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
	Justin, do you have that before the	2	Q. I'm sorry, go ahead.
3	witness?	3	A. This refers to the viscosity of the
4	MR. HEILIG: Yes.	4	product.
5	MR. BURLAGE: I'd like to mark this	5	Q. Viscosity and then now that's a
6	as what I believe is 21 is the next exhibit.	6	quality specification?
7	(Whereupon, Exhibit 21 was marked at	7	A. Yes.
8	this time.)	8	Q. And is that something that
9	Q. Mr. Gronenberg, do you have this	9	Hapag-Lloyd had required for this delivery as far
10	document? Do you see that as the sales order	10	as you're aware?
11	confirmation prepared by O.W. Bunker Germany to		MR. HEILIG: Objection to form.
12	Hapag-Lloyd; is that correct?	12	MR. FERNANDEZ: Objection to form.
13	A. Yes.	13	MR. MALONEY: Objection.
14	Q. Take a minute to review the first	14	A. The initial inquiry or request was
15	page of this. Let me know when you've completed	15	like this, yes. I'm not aware here. From this
16	that review.	16	document must be.
17	A. Completed.	17	
18	Q. You see that it's dated Hamburg 9	18	Q. Let's go down a little bit more than halfway down the page where it says "Remarks."
19	October 2014, correct?	19	Do you see that?
20	A. Correct.	20	A. Yes.
21		21	
22	Q. Do you see where it says sales order number 11928229.		Q. Now, do you see where it says, "All
23		22	per ISO 8217 2005," and then capital letter E in
	Do you see that?	23	parenthesis.
24	A. Yes.	24 25	Do you see that?
25	Q. Is that a sales order number	25	A. Yes.
-	Page 43	4	Page 45
1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
2	generated by O.W. Germany?	2	Q. What does that mean?
3	A. Yes.	3	A. Standard specification parameters for
4	Q. Would this be for the supply of fuel	4	bunker fuel.
5	oil 700 CST to the VIENNA EXPRESS at the Port of		Q. That's a worldwide standard?
	Tacoma on October 16, 2014?	6	A. Yes.
6	A. Yes.	7	0 1 1 1 12 1 10
7		0	Q. Is that a quality standard?
7 8	Q. Do you see under the supplier heading	8	A. Quality standards are met under this
7 8 9	where it says U.S. Oil?	9	A. Quality standards are met under this headline of ISO standards.
7 8 9 10	where it says U.S. Oil? A. Yes.	9 10	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says,
7 8 9 10 11	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric	9 10 11	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply."
7 8 9 10 11 12	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct?	9 10 11 12	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you?
7 8 9 10 11 12 13	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes.	9 10 11 12 13	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and
7 8 9 10 11 12 13	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it	9 10 11 12 13 14	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale.
7 8 9 10 11 12 13 14 15	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"?	9 10 11 12 13 14	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that
7 8 9 10 11 12 13 14 15	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes.	9 10 11 12 13 14 15	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from
7 8 9 10 11 12 13 14 15 16	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes. Q. Can you tell me what CST it looks	9 10 11 12 13 14 15 16	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from 2007 would have applied to this sale to
7 8 9 10 11 12 13 14 15 16 17	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes. Q. Can you tell me what CST it looks like 3,5 percent or 3.5 percent. Can you tell me	9 10 11 12 13 14 15 16 17	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from 2007 would have applied to this sale to Hapag-Lloyd by O.W. Germany?
7 8 9 10 11 12 13 14 15 16 17 18	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes. Q. Can you tell me what CST it looks like 3,5 percent or 3.5 percent. Can you tell me what that means to you?	9 10 11 12 13 14 15 16 17 18	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from 2007 would have applied to this sale to Hapag-Lloyd by O.W. Germany? A. Yes.
7 8 9 10 11 12 13 14 15 16 17 18 19 20	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes. Q. Can you tell me what CST it looks like 3,5 percent or 3.5 percent. Can you tell me what that means to you? A. CST means CST refers to centi	9 10 11 12 13 14 15 16 17 18 19 20	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from 2007 would have applied to this sale to Hapag-Lloyd by O.W. Germany? A. Yes. Q. Okay. Can you please turn the page
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes. Q. Can you tell me what CST it looks like 3,5 percent or 3.5 percent. Can you tell me what that means to you? A. CST means CST refers to centi stokes.	9 10 11 12 13 14 15 16 17 18 19 20 21	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from 2007 would have applied to this sale to Hapag-Lloyd by O.W. Germany? A. Yes. Q. Okay. Can you please turn the page to what's the document bearing Bates number 381
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes. Q. Can you tell me what CST it looks like 3,5 percent or 3.5 percent. Can you tell me what that means to you? A. CST means CST refers to centi stokes. Q. Can you please spell that for us?	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from 2007 would have applied to this sale to Hapag-Lloyd by O.W. Germany? A. Yes. Q. Okay. Can you please turn the page to what's the document bearing Bates number 381 OWG 9949381.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes. Q. Can you tell me what CST it looks like 3,5 percent or 3.5 percent. Can you tell me what that means to you? A. CST means CST refers to centi stokes. Q. Can you please spell that for us? A. C-E-N-T-I S-T-O-K-E-S. Yeah.	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from 2007 would have applied to this sale to Hapag-Lloyd by O.W. Germany? A. Yes. Q. Okay. Can you please turn the page to what's the document bearing Bates number 381 OWG 9949381. Do you see that?
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	where it says U.S. Oil? A. Yes. Q. The quantity there is 2700 metric tons; is that correct? A. Yes. Q. Can you tell me, do you see where it says "Product/quality"? A. Yes. Q. Can you tell me what CST it looks like 3,5 percent or 3.5 percent. Can you tell me what that means to you? A. CST means CST refers to centi stokes. Q. Can you please spell that for us?	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Quality standards are met under this headline of ISO standards. Q. Now, underneath of that it says, "HALO GTC 2007 shall apply." What does that mean to you? A. Hapag-Lloyd general terms and conditions version 2007 to apply for this sale. Q. Okay. So is it your testimony that Hapag-Lloyd's general terms and conditions from 2007 would have applied to this sale to Hapag-Lloyd by O.W. Germany? A. Yes. Q. Okay. Can you please turn the page to what's the document bearing Bates number 381 OWG 9949381.

1 - BORIS GRONENBERG - 2		Page 46		Page 48
2 Q. Would you agree that this is a Course it says. "The sale and delivery of the marine fuels described above are subject to the O.W. Bunker"	1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
Q. Please take a moment and read that paragraph and let me know when you're done. A. Yes, I'm done. Do you see the first sentence where it is asys, "The sale and delivery of the marine fuels described above are subject to the O.W. Bunker' Mr. Gronenberg do you see it says " "The sale and delivery of the marine fuels described above are subject to the O.W. Bunker for group's terms and conditions of sales for marine bunkers." Do you see that? A. I see that. Do you see that? Do the O.W. Bunker terms apply here as far as you're aware? MR. HEILIG: Objection to form. This is the standard format of our sales confirmation and under this sale, this sale terms and conditions 2007 apply and O.W. Bunker's general terms and conditions 70 sale of marine bunkers do not apply to this transaction? A. This is it may understanding. A. This is it my understanding? A. This is the next page. I have the same question under the terms. A. Yes. Do No Bunker's emeral the delivery of the marine to the distense of the wines what's been marked or produced by O.W. Germany at 00038? A. Thi			2	
4 paragraph and let me know when you're done. 5 A. Yes, I'm done. 6 Q. Do you see the first sentence where it says, "The sale and delivery of the marine it says, "The sale and delivery of the marine it says, "The sale and delivery of the marine it says, "The sale and delivery of the marine fuels described above are subject to the O.W. 9 Bunker" - Mr. Gronenberg do you see it says - "The sale and delivery of the marine fuels described above are subject to the O.W. Bunker Group's terms and conditions of sales for marine bunkers." 10 "The sale and delivery of the marine fuels described above are subject to the O.W. Bunker Group's terms and conditions of sales for marine bunkers." 11 Do you see that? 12 Do you see that? 13 Do you see that? 14 Do you believe that this is accurate? 15 Do the O.W. Bunker terms apply here as far as you're aware? 16 Q. Do you believe that this is accurate? 17 Do the O.W. Bunker terms apply here as far as you're aware? 18 you're aware? 19 MR. HEILIG: Objection to form. 20 A. This is the standard format of our 21 sales confirmation and under this sale, this sale 2 is subject under remarks to Hapag-Lloyd general 22 terms and conditions. 20 Q. So is it your testimony, as far as you're aware, that the Hapag-Lloyd terms and 20 question where it says, "Supplier" 10 Lage Lage Lage Lage Lage Lage Lage Lage			3	
5 A. Yes, I'm done. 6 Q. Do you see the first sentence where 7 it says, "The sale and delivery of the marine 8 fuels described above are subject to the O.W. 9 Bunker" - Mr. Gronenberg do you see it says - 10 "The sale and delivery of the marine fuels 11 described above are subject to the O.W. Bunker 12 Group's terms and conditions of sales for marine 13 bunkers." 14 Do you see that? 15 A. I see that. 16 Q. Do you believe that this is accurate? 17 Do the O.W. Bunker terms apply here as far as 18 you're aware? 19 MR. HEILIG: Objection to form. 21 sales confirmation and under this sale, this sale, this sale 22 is subject under remarks to Hapag-Lloyd general 23 terms and conditions. 24 Q. So is it your testimony, as far as 25 you're aware, that the Hapag-Lloyd terms and 26 conditions 2007 apply and O.W. Bunker's general 27 terms and conditions for sale of marine bunkers do 4 not apply to this transaction? 28 A. This is the my understanding. 29 C. Thank you. 30 A. This is the standard. 31 BORIS GRONENBERG 41 C. BORIS GRONENBERG 52 you're aware, that the Hapag-Lloyd terms and conditions for sale of marine bunkers do 4 not apply to this transaction? 5 A. This is the my understanding. 6 Q. Thank you. 7 MR. BURLAGE: Justin, can you please 8 put before the witness what has been produced 9 by O.W. Germany at OWG 9949 000197. 10 Please let me know when the witness 11 has that before him. 12 Tal like to mark this as Exhibit 22. 13 (Whereupon, Exhibit 22 was marked for identification.) 14 In the first of the O.W. Bunker's general terms and conditions for sale of marine bunkers do 18 put before the witness what has been produced by O.W. Germany at OWG 9949 000197. 19 Please let me know when the witness 10 A. This is the port of Tacoma on Octobe 16 the produced by O.W. Germany at OWG 9949 000197. 19 Please let me know when the witness 10 A. Thave it in front of me. 11 A. Thave it in front of me. 12 C. Do you recognize this as the sales 13 O.W. Bunker Germany's sales order confirmation to the Hapag-Lloyd dated 23 October 2014?			4	
6 Q. Do you see the first sentence where 7 it says, "The sale and delivery of the marine 8 fuels described above are subject to the O.W. 9 Bunker" Mr. Gronenberg do you see it says 10 "The sale and delivery of the marine fuels 11 described above are subject to the O.W. Bunker 12 Group's terms and conditions of sales for marine 13 bunkers." 14 Do you see that? 15 A. I see that. 16 Q. Do you believe that this is accurate? 17 Do the O.W. Bunker terms apply here as far as 18 you're aware? 19 MR. HEILIG: Objection to form. 20 A. This is the standard format of our 21 sales confirmation and under this sale; this sale 22 is subject under remarks to Hapag-Lloyd general 23 terms and conditions. 24 Q. So is it your testimony, as far as 25 you're aware, that the Hapag-Lloyd terms and 26 Q. So is it your testimony, as far as 27 you're aware, that the Hapag-Lloyd terms and 28 conditions 2007 apply and O.W. Bunker's general 29 terms and conditions for sale of marine bunkers do 20 not apply to this transaction? 21 A. This is my understanding. 22 A. This is an understanding. 33 terms and conditions did not? Is 4 This is my understanding. 4 Q. Thank you. 4 Yes. 2 Q. Is it your view that Hapag-Lloyd's terms and conditions and conditions did not? Is 4 that your understanding? 4 Page 47 1 BORIS GRONENBERG - 2 Conditions 2007 apply and O.W. Bunker's terms and conditions and conditions did not? Is 4 This is my understanding. 5 A. This is my understanding. 6 Q. Thank you. 6 MR. BURLAGE: Justin, can you please 8 put before the witness what has been produced 9 by O.W. Germany at OWG 9949 000197. 9 Please let me know when the witness 11 has that before him. 12 I'd like to mark this as Exhibit 22. 13 (Whereupon, Exhibit 22 was marked for identification.) 16 Q. Please take a moment to review this 17 and let me know when you've completed that review. 18 A. We can continue. 19 Q. Do you recognize this as the sales 20 order confirmation by O.W. Germany to Hapag-Lloyd dated 23 October 2014? 21 A. Yes. 22 A. Yes. 23 Q. Do you see this? 2				-
it says, "The sale and delivery of the marine fuels described above are subject to the O.W. Bunker" - Mr. Gronenberg do you see it says - U.S. Oil"? "The sale and delivery of the marine fuels described above are subject to the O.W. Bunker Group's terms and conditions of sales for marine bunkers." Do you see that? A. Yes. Q. Okay. Then under "Remarks," same question where it says HALO GTC 2007 shall apply. Do you see that? A. Yes. Q. Okay. Then under "Remarks," same question where it says HALO GTC 2007 shall apply. Do you see that? A. Yes. Q. Okay. Then under "Remarks," same question where it says HALO GTC 2007 shall apply. Do you see that? A. Yes. Q. Do you see that? A. Yes. Q. Do you see that? A. Yes. Q. Please look at the next page. I have the same question under the terms. the same and conditions apply to this transaction and under this sale, this sale is subject under remarks to Hapag-Lloyd general terms and conditions and under this sale, this sale you're aware, that the Hapag-Lloyd terms and conditions apply to this transaction and ond to apply to this transaction? Page 47 BORIS GRONENBERG - Donditions for sale of marine bunkers do not apply to this transaction? A. This is my understanding. A. This		· · · · · · · · · · · · · · · · · · ·		
Fuels described above are subject to the O.W.		-		
9 Bunker" - Mr. Gronenberg do you see it says - "The sale and delivery of the marine fuels described above are subject to the O.W. Bunker Group's terms and conditions of sales for marine bunkers." 14 Do you see that? 15 A. I see that. 16 Q. Do you believe that this is accurate? 17 Do the O.W. Bunker terms apply here as far as you're aware? 18 you're aware? 19 MR. HEILIG: Objection to form. 20 A. This is the standard format of our sales confirmation and under this sale, this sale is subject under remarks to Hapag-Lloyd general sterms and conditions. 24 Q. So is it your testimony, as far as you're aware, that the Hapag-Lloyd terms and conditions 2007 apply to this transaction and own are when the Hapag-Lloyd terms and conditions 2007 apply and O.W. Bunker's terms and conditions did not? Is that your understanding? 1 - BORIS GRONENBERG - Conditions 2007 apply and O.W. Bunker's general terms and conditions for sale of marine bunkers do not apply to this transaction? 1 - BORIS GRONENBERG - Conditions 2007 apply and O.W. Bunker's terms and conditions did not? Is that your understanding? 2 - BORIS GRONENBERG - Conditions 2007 apply to this transaction and O.W. Bunker's terms and conditions did not? Is that your understanding? 2 - BORIS GRONENBERG - Conditions 2007 apply to this transaction and O.W. Bunker's terms and conditions did not? Is that your understanding? 2 - BORIS GRONENBERG - Conditions 2007 apply to this transaction and O.W. Bunker's terms and conditions did not? Is that your understanding? 2 - BORIS GRONENBERG - Conditions 2007 apply to this transaction? 3 - BORIS GRONENBERG - Conditions 2007 apply to this transaction? 4 - BORIS GRONENBERG - Conditions 2007 apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction? 4 - BORIS GRONENBERG - Conditions 2007 apply to this transaction and O.W. Bunker's terms and conditions did not? Is that your understanding? 5 - BORIS GRONENBERG - Conditions 2007 apply to this transaction and O.W. Bunker's terms and conditions				
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14 Do you see that? 15 A. I see that. 16 Q. Do you believe that this is accurate? 17 Do the O.W. Bunker terms apply here as far as you're aware? 18 you're aware? 19 MR. HEILIG: Objection to form. 20 A. This is the standard format of our sales confirmation and under this sale, this sale is subject under remarks to Hapag-Lloyd general terms and conditions. 24 Q. So is it your testimony, as far as you're aware, that the Hapag-Lloyd terms and conditions. 25 you're aware, that the Hapag-Lloyd terms and conditions of a conditions of a conditions of a conditions for sale of marine bunkers do not apply to this transaction? 26 A. This is my understanding. 27 A. Yes. 28 put before the witness what has been produced by O.W. Germany at OWG 9949 000197. 29 Please let me know when the witness put before the witness what has been produced by O.W. Germany at OWG 9949 000197. 20 Please take a moment to review this and let me know when you've completed that review. 29 A. We can continue. 20 Please take a moment to review this and let me know when you've completed that review. 30 A. Yes. 31 A. Yes. 32 Q. Is it your understanding that Hapag-Lloyd's terms and conditions 2007 apply to this transaction and own and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions and the transaction? 20 Degrams and conditions for all apply to this transaction and O.W. Bunker's terms and conditions did not? Is that your understanding? 21 A. Yes. 22		-		
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18 you're aware? 19 MR. HEILIG: Objection to form. 20 A. This is the standard format of our 21 sales confirmation and under this sale, this sale 22 is subject under remarks to Hapag-Lloyd general 23 terms and conditions. 24 Q. So is it your testimony, as far as 25 you're aware, that the Hapag-Lloyd terms and 26 conditions 2007 apply and O.W. Bunker's general 27 terms and conditions for sale of marine bunkers do 28 not apply to this transaction? 29 A. This is my understanding. 20 A. This is my understanding. 21 -BORIS GRONENBERG - 22 conditions 2007 apply and O.W. Bunker's general 23 terms and conditions for sale of marine bunkers do 24 not apply to this transaction? 25 A. This is my understanding. 26 Q. Thank you. 27 MR. BURLAGE: Justin, can you please 28 put before the witness what has been produced 39 by O.W. Germany at OWG 9949 000197. 30 Please let me know when the witness 31 has that before him. 32 If like to mark this as Exhibit 22. 33 (Whereupon, Exhibit 22 was marked for identification.) 34 (Whereupon, Exhibit 22 was marked for identification.) 35 A. I have it in front of me. 36 Q. Please take a moment to review this and let me know when you've completed that review. 36 A. We can continue. 37 A. Yes. 38 Q. Do you see where it says that? 39 A. Yes. 40 Q. Do you see this vessel SOFIA EXPRESS, 2d do you see where it says that? 41 do you see where it says that? 42 Q. Do you see this estandard four the same late with the mext page. I have the same question under the terms. 4 A. Yes. 4 A. Yes. 4 Q. Is it your view that Hapag-Lloyd's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions apply to this transaction and O.W. Bunker's terms and conditions donditions don's late your understanding? 4 A. Yes. 4 A. Yes. 4 A. Yes. 6 J. Hank you. 6 A. Have it in front of me. 9 by O.W. Germany at OWG 9949 000197. 9 Please let me know when the witness 10 A. I have it in front of me. 11 D. W. Germany's sales order confirma		· ·		
MR. HEILIG: Objection to form. A. This is the standard format of our sales confirmation and under this sale, this sale is subject under remarks to Hapag-Lloyd general terms and conditions. A. Yes. Q. So is it your testimony, as far as you're aware, that the Hapag-Lloyd terms and Page 47 -BORIS GRONENBERG - conditions 2007 apply and O.W. Bunker's general terms and conditions for sale of marine bunkers do not apply to this transaction? A. This is my understanding. A. This is my understanding. A. This is my understanding. Buth Efore the witness what has been produced by O.W. Germany at OWG 9949 000197. Please let me know when the witness has that before him. I'd like to mark this as Exhibit 22. (Whereupon, Exhibit 22 was marked for identification.) A. Have it in front of me. Q. Please take a moment to review this and let me know when you've completed that review. A. We can continue. Q. Do you recognize this as the sales order confirmation by O.W. Germany to Hapag-Lloyd dated 23 October 2014? A. Yes. Q. Do you see where it says that? Q. Dr you see where it says that? A. Yes. Q. Please look at the next page. I have the same question under the terms. A. Yes. Q. D. Is it your view that Hapag-Lloyd the same question under the terms. A. Yes. Q. D. Bit your view that Hapag-Lloyd the same question under the terms. A. Yes. Q. Dr is it your view that Hapag-Lloyd on J. A. Yes. Q. Dr Bease look at the next page. I have the same question under the terms. A. Yes. Q. Dr Bease look at the next page. I have the same question under the terms. A. Yes. Q. Dr Hankyou. Page 47 Page 49 -BORIS GRONENBERG - A. Yes. Q. Thank you. MR. BURLAGE: Justin, rid ask that your understanding? Page 49 -BORIS GRONENBERG - A. Yes. Q. Thank you. MR. BURLAGE: Justin, rid ask that your pure please pure before the witness what has been produced by O.W. Germany at 000387. Please mark this. (Whereupon, Exhibit				-
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Page 47 Page 49 1 -BORIS GRONENBERG - 2 conditions 2007 apply and O.W. Bunker's general 3 terms and conditions for sale of marine bunkers do 4 not apply to this transaction? 4 A. This is my understanding. 5 A. This is my understanding. 6 Q. Thank you. 6 MR. BURLAGE: Justin, I'd ask that 7 you please put before the witness what's been 8 put before the witness what has been produced 9 by O.W. Germany at OWG 9949 000197. 9 Please let me know when the witness 10 A. I have it in front of me. 11 like to mark this as Exhibit 22. 13 (Whereupon, Exhibit 22 was marked for 14 identification.) 15 A. I have it in front of me. 16 Q. Please take a moment to review this 17 and let me know when you've completed that review. 18 A. We can continue. 19 Q. Do you recognize this as the sales 20 order confirmation by O.W. Germany to Hapag-Lloyd 21 dated 23 October 2014? 22 A. Yes. 23 Q. Do you see this vessel SOFIA EXPRESS, 24 do you see where it says that? Page 49 - BORIS GRONENBERG - A. Yes. 1 - BORIS GRONENBERG - A. Yes. 9 A. Yes. Q. Thank you. A. Yes. Q. Thank you. A. Yes. Q. Thank you. MR. BURLAGE: Justin, I'd ask that you please put before the witness what's been marked or produced by O.W. Germany at 000387. Please mark this. Q. Whereupon, Exhibit 23 was marked at this time.) A. I have it in front of me. 10 Q. Whereupon, Exhibit 22 was marked for 11 D. Whereupon, Exhibit 23 was marked at this time.) 12 Mr. Gronenberg. I'm going to go through the same line of questioning for this as well. Do you recognize this document as O.W. Bunker Germany's sales order confirmation to that page-Lloyd for the relevant delivery to the SEASPAN HAMBURG at the Port of Tacoma on October 18 A. Yes. 19 MR. BURLAGE: Justin, I'd ask that you please put before the witness what's been marked or produced by O.W. Germany to 000387. Please mark this. A. Yes. MR. BURLAGE: Justin, I'd ask that you please put before the witness what's been marked or produced by O.W. Germany at 000387. Please mark this. MR. BURLAGE: Justin, I'd ask t		* * * * * * * * * * * * * * * * * * * *		
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Q. Do you see this vessel SOFIA EXPRESS, do you see where it says that? 23 marked as Exhibit 23. 24 Q. Mr. Gronenberg, do you see the date	12 13 14 15 16 17 18 19 20	(Whereupon, Exhibit 22 was marked for identification.) A. I have it in front of me. Q. Please take a moment to review this and let me know when you've completed that review. A. We can continue. Q. Do you recognize this as the sales order confirmation by O.W. Germany to Hapag-Lloye	13 14 15 16 17 18 19	line of questioning for this as well. Do you recognize this document as O.W. Bunker Germany's sales order confirmation to Hapag-Lloyd for the relevant delivery to the SEASPAN HAMBURG at the Port of Tacoma on October 16, 2014? A. Yes. MR. HEILIG: Casey, are you marking
24 do you see where it says that? 24 Q. Mr. Gronenberg, do you see the date	12 13 14 15 16 17 18 19 20 21	(Whereupon, Exhibit 22 was marked for identification.) A. I have it in front of me. Q. Please take a moment to review this and let me know when you've completed that review. A. We can continue. Q. Do you recognize this as the sales order confirmation by O.W. Germany to Hapag-Lloyddated 23 October 2014?	13 14 15 16 17 18 19 20 21	line of questioning for this as well. Do you recognize this document as O.W. Bunker Germany's sales order confirmation to Hapag-Lloyd for the relevant delivery to the SEASPAN HAMBURG at the Port of Tacoma on Octobe 16, 2014? A. Yes. MR. HEILIG: Casey, are you marking this as the next exhibit?
	12 13 14 15 16 17 18 19 20 21	(Whereupon, Exhibit 22 was marked for identification.) A. I have it in front of me. Q. Please take a moment to review this and let me know when you've completed that review. A. We can continue. Q. Do you recognize this as the sales order confirmation by O.W. Germany to Hapag-Lloyd dated 23 October 2014? A. Yes.	13 14 15 16 17 18 19 1 20 21 22	line of questioning for this as well. Do you recognize this document as O.W. Bunker Germany's sales order confirmation to Hapag-Lloyd for the relevant delivery to the SEASPAN HAMBURG at the Port of Tacoma on October 16, 2014? A. Yes. MR. HEILIG: Casey, are you marking this as the next exhibit? MR. BURLAGE: Yes, this will be
	12 13 14 15 16 17 18 19 20 21 22 23	(Whereupon, Exhibit 22 was marked for identification.) A. I have it in front of me. Q. Please take a moment to review this and let me know when you've completed that review. A. We can continue. Q. Do you recognize this as the sales order confirmation by O.W. Germany to Hapag-Lloyddated 23 October 2014? A. Yes. Q. Do you see this vessel SOFIA EXPRESS,	13 14 15 16 17 18 19 1 20 21 22 23	line of questioning for this as well. Do you recognize this document as O.W. Bunker Germany's sales order confirmation to Hapag-Lloyd for the relevant delivery to the SEASPAN HAMBURG at the Port of Tacoma on October 16, 2014? A. Yes. MR. HEILIG: Casey, are you marking this as the next exhibit? MR. BURLAGE: Yes, this will be marked as Exhibit 23.

	Page 50		Page 52
1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
2	A. Yes.	2	general terms and conditions did not apply?
3	Q. The quantity of 2900 metric tons of	3	A. Yes.
4	fuel oil?	4	MR. BURLAGE: Okay. Justin, can you
5	A. Yes.	5	please place before the witness the PDF I
6	Q. And the supplier there is U.S. Oil,	6	sent you this morning which has been produced
7	correct?	7	by Hapag-Lloyd and bears Bates numbers
8	A. Correct.	8	HPL-USOT 00039 through 41.
9	Q. You understand that this transaction	9	(Whereupon, Exhibit 25 was marked at
10	was also subject to Hapag-Lloyd's terms and	10	this time.)
11	conditions and not O.W. Bunker's terms and	11	MR. BURLAGE: Please let me know when
12	conditions?	12	the witness has that before him.
13	A. Yes. On the remarks it always says	13	MR. HEILIG: We're good.
14	Hapag-Lloyd's general terms and conditions to	14	MR. BURLAGE: Thank you.
15	apply.	15	Q. Mr. Gronenberg, can you please take a
16	Q. That's the general terms and	16	look at these three pages and let me know if you
17	conditions 2007, correct?	17	have seen this document before.
18	A. Correct.	18	A. Yes, I've seen it.
19	Q. Okay.	19	Q. Okay. Do you recall the first time
20	MR. BURLAGE: Justin, please put	20	that you have seen this document?
21	place before the witness what's been produced	21	A. No.
22	at OWG 9949 000367 through 369.	22	Q. Okay. Let's go to the last page
23	This will be marked as 24.	23	which has been marked HPL-USOT 00041. On the
24	(Whereupon, Exhibit 24 was marked at	24	bottom right-hand of that page appears to be a
25	this time.)	25	stamp by O.W. Bunker Germany GmbH with an address
	Page 51		Page 53
1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
2	Q. Mr. Gronenberg, do you have this	2	in Hamburg and then there's a signature beneath
3	document before you?	3	that.
4	A. Yes.	4	Do you recognize that signature?
5	Q. Okay. Do you recognize this as	5	A. Yes.
6	O.W. Germany's sales order confirmation to	6	Q. Whose signature is that?
7	Hapag-Lloyd for the subject delivery to the SANTA	7	A. Mr. Lehsten.
8	ROBERTA at the port of Tacoma on October 9, 2014	? 8	Q. Okay. What about the looks like
9	A. Yes.	9	there's a scribble or an initial on the bottom
10	Q. Do you see that it's dated 1 October	10	right of the first two pages of this document.
11	2014?	11	Do you see that?
12	A. Yes.	12	A. Yes.
13	Q. Do you see there that the quantity is	13	Q. Do you recognize that as
14	for 2700 metric tons of fuel oil to the vessel?	14	Mr. Lehsten's initial?
15	A. Yes.	15	A. Yes.
16	Q. Do you see that the supplier listed	16	Q. Okay. What is your understanding of
17	here as U.S. Oil?	17	what this document is?
18	A. Yes.	18	A. The general terms and conditions
19	Q. Under remarks, is it correct that it	19	which Hapag-Lloyd requests for purchasing bunkers.
20	also lists Hapag-Lloyd's general terms and	20	Q. Would you agree that this is
21	conditions 2007 shall apply?	21	Hapag-Lloyd's general terms and conditions for
	A. Correct.	22	what's been listed as 2007 which would apply to
22			
22 23	Q. And is it your view that on this	23	the four shipments we just discussed?
	Q. And is it your view that on this transaction, Hapag-Lloyd general terms and	23 24	the four shipments we just discussed? MR. HEILIG: Objection to form.

1 2	Page 54		Page 56
2	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
_	don't know, is it?	2	Q. Okay. Do you know if O.W. Bunker
3	Q. Well, it's a little difficult to	3	U.S.A. had the capability to supply fuel
4	tell, but it looks like underneath that stamp	4	physically in Tacoma in 2014?
5	there may be a date but I can't tell if that is	5	MR. HEILIG: Objection to form.
6	correct, but would this be a document that	6	MR. FERNANDEZ: Objection to form.
7	would have been maintained in O.W. Germany's files	7	A. No.
8	in its regular course of business?	8	Q. No, you don't know; or no, they did
9	A. Yes.	9	not have the capability to do so as far as you are
10	Q. Okay and yesterday Mr. Lehsten	10	aware?
11	testified that as part of a condition with doing	11	A. As far as I'm aware, they did not
12	business with Hapag, Hapag required O.W. Germany	12	have the capability.
13	to sell basis Hapag's terms and conditions.	13	Q. Would that be the same with O.W.
14	Would you agree with that?	14	Germany?
15	MR. HEILIG: Objection to form.	15	MR. HEILIG: Same objection.
16	A. Yes.	16	MR. FERNANDEZ: Same objection.
17	Q. Is that would that would apply	17	A. Yes.
18	for these four shipments to your understanding?	18	MR. BURLAGE: Justin, can you please
19	A. Yes.	19	place before the witness what's been produced
20	Q. Do you know if O.W. Germany let me	20	by O.W. Germany and it bears Bates numbers
21	just back up.	21	OWG 9949 - 00446 through 449.
22	You said that you were department	22	Please let me know when the witness
23	manager from 2009 at O.W. Germany in its trading	23	has that before him.
24	department; is that correct?	24	MR. HEILIG: He has it.
25	A. Correct.	25	Q. Mr. Gronenberg, can you please take a
	Page 55		Page 57
1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
2	Q. Now, is the trading department the	2	look at these couple of pages of documents and let
3	same as the reselling department or the resale	3	me know when you've completed your review.
4	department or are those different?	4	A. Okay.
5	A. No, it's the same just a different	5	Q. Would you agree that this is an
6	MR. HEILIG: Finish your answer.	6	e-mail from Kai Zu to Karl-Heinz Selmer dated
7	A. Just a different wording or naming	7	October 1st, 2014, with the subject line Re: ENQ
	it.	8	SANTA ROBERTA?
8	Q. But it's the same department then?	9	
8 9	*	_	MR. MALONEY: Do you have a copy of
	A. Yes.	10	that?
9 10 11	Q. Do you know if O.W. Germany	10 11	that? MR. DEHART: Yes.
9 10 11 12	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the	10 11 12	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as
9 10 11 12 13	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014?	10 11 12 13	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit?
9 10 11 12 13 14	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form.	10 11 12 13 14	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold
9 10 11 12 13 14 15	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form.	10 11 12 13 14 15	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please.
9 10 11 12 13 14 15	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form.	10 11 12 13 14 15	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last
9 10 11 12 13 14 15 16	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form. Q. Are you aware that if O.W. Germany	10 11 12 13 14 15 16	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last question, please?
9 10 11 12 13 14 15 16 17	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form. Q. Are you aware that if O.W. Germany had the capability to supply fuel physically in	10 11 12 13 14 15 16 17	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last question, please? A. Yes.
9 10 11 12 13 14 15 16 17 18	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form. Q. Are you aware that if O.W. Germany had the capability to supply fuel physically in the port of Tacoma, Washington in 2014.	10 11 12 13 14 15 16 17 18	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last question, please? A. Yes. Q. What do you understand that let me
9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form. Q. Are you aware that if O.W. Germany had the capability to supply fuel physically in the port of Tacoma, Washington in 2014. MR. BURLAGE: Let him answer.	10 11 12 13 14 15 16 17 18 19 20	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last question, please? A. Yes. Q. What do you understand that let me back up quickly.
9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form. Q. Are you aware that if O.W. Germany had the capability to supply fuel physically in the port of Tacoma, Washington in 2014. MR. BURLAGE: Let him answer. MR. HEILIG: Objection.	10 11 12 13 14 15 16 17 18 19 20 21	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last question, please? A. Yes. Q. What do you understand that let me back up quickly. Kai Zu, do you know who that is?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form. Q. Are you aware that if O.W. Germany had the capability to supply fuel physically in the port of Tacoma, Washington in 2014. MR. BURLAGE: Let him answer. MR. HEILIG: Objection. MR. FERNANDEZ: Objection to form as	10 11 12 13 14 15 16 17 18 19 20 21 22	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last question, please? A. Yes. Q. What do you understand that let me back up quickly. Kai Zu, do you know who that is? A. My colleague in the U.S.
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form. Q. Are you aware that if O.W. Germany had the capability to supply fuel physically in the port of Tacoma, Washington in 2014. MR. BURLAGE: Let him answer. MR. HEILIG: Objection. MR. FERNANDEZ: Objection to form as well.	10 11 12 13 14 15 16 17 18 19 20 21 22 23	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last question, please? A. Yes. Q. What do you understand that let me back up quickly. Kai Zu, do you know who that is? A. My colleague in the U.S. Q. Is that a male or female?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you know if O.W. Germany physically supplied fuel on the west coast of the United States at any point in 2014? MR. HEILIG: Objection to form. MR. DEHART: Objection to form. MR. FERNANDEZ: Objection to form. Q. Are you aware that if O.W. Germany had the capability to supply fuel physically in the port of Tacoma, Washington in 2014. MR. BURLAGE: Let him answer. MR. HEILIG: Objection. MR. FERNANDEZ: Objection to form as	10 11 12 13 14 15 16 17 18 19 20 21 22	that? MR. DEHART: Yes. MR. HEILIG: Are we marking this as an exhibit? MR. BURLAGE: I don't know yet, hold on a second, please. Q. Do we have an answer to that last question, please? A. Yes. Q. What do you understand that let me back up quickly. Kai Zu, do you know who that is? A. My colleague in the U.S.

	Page 58		Page 60
1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
2	O.W. Bunker U.S.A., is that correct or did he?	2	would it then convey those typicals to Hapag?
3	A. Correct.	3	A. Upon request, yes.
4	Q. Did he?	4	Q. And how would that be done, by phone
5	A. Yes.	5	or by e-mail, do you know?
6	Q. As you understand it, what is Mr. Zu	6	A. Either way.
7	saying to Mr. Selmer here where he says, "Good	7	Q. Either way. Okay. But you don't
8	morning, Karl. Let's get it today."	8	know in this case if that was done by e-mail or by
9	And then under Tacoma do you see	9	phone, do you?
10	where it says Tacoma?	10	A. I don't know.
11	A. Yes.	11	Q. Okay. But did you understand that
12	Q. Then he lists P66 Tesoro and U.S.	12	Hapag had instructed that fuel being supplied to
13	Oil. Are P66 and Tesoro what is your	13	this vessel would need certain specifications?
14	understanding of those two companies?	14	MR. HEILIG: Objection, form.
15	MR. HEILIG: Objection to form.	15	MR. FERNANDEZ: Objection to form.
16	ě .	16	MR. MALONEY: Same objection.
17	A. Suppliers in Tacoma.	17	<u> </u>
	Q. They're physical suppliers of fuel in	18	A. Not really.
18	Tacoma along with U.S. Oil; is that correct?		Q. Okay. In your experience, did Hapag
19	MR. HEILIG: Objection to form. A. Correct.	19 20	require that the fuel delivered to its vessels
20		21	have certain specifications?
21	Q. Do you see where it says in bold,	22	MR. HEILIG: Objection to form.
22	"U.S. Oil let's get the RMK for him"?		MR. FERNANDEZ: Objection to form.
23	A. Yes.	23	A. Yes.
24	Q. Do you know what that means, "Let's	24	Q. How do you know that?
25	get the RMK for him"?	25	A. They would like to see or compare
	Page 59		Page 61
1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
2	Do you have any understanding of what	2	also the typical specifications of the product
3	that might mean?	3	offered in order to determine which products they
4	A. Yes. Yes, that Kai suggests to Karl	4	find most suitable for their vessels engines.
5	to fix to fix an RMK with U.S. Oil.	5	Q. And so they would use the typicals to
6	Q. And underneath that "549/MTD for	6	determine which fuel they wanted to select to
7	RMK," in bold. Would that be the price that Kai	7	have?
8	Zu has conveyed to Karl that has been provided by	8	MR. HEILIG: Objection.
9	U.S. Oil? Is that your understanding?	9	A. Not only typicals
10	MR. HEILIG: Objection to form.	10	MR. FERNANDEZ: Objection.
11	A. Yes.	11	Q. I'm sorry, continue.
12	Q. Then under that it says, "Typicals."	12	A. Not only the typicals. Of course
13	And then it lists, looks like some numbers for	13	also the price.
14	"API/bore, sulphur, aluminum, silicon, sodium,"	14	Q. So your understanding is that
15	et cetera.	15	Hapag-Lloyd would consider both the typicals
16	Are those is it your understanding	16	provided by the supplier and the price to
17	that those are also typicals that Kai is giving to	17	determine which set of fuel to purchase?
18	Karl that he had received from U.S. Oil?	18	MR. FERNANDEZ: Objection to form.
19	MR. HEILIG: Objection to form.	19	MR. HEILIG: Objection to form.
20	MR. DEHART: Objection to form.	20	MR. HEILIG: Objection to form.
21	MR. FERNANDEZ: Objection to form.	21	A. Yes.
22	MR. MALONEY: Objection.	22	Q. Thank you.
23	A. That's how I understand it, yes.	23	MR. BURLAGE: I'll mark this as
24	Q. Now, would O.W. Germany, in this case	24	Exhibit 26, please.

23 A. Yes. 23 have the interpreter do that?		Page 62		Page 64
this time.) MR. HEILIG: Is that 25? MR. HEILIG: I'm sorry. MR. BURLAGE: This is 26. Justin, can you please put before the witness what's been produced by O.W. Germany and marked OWG 9949-000042. I'will mark this as the next exhibit, 27, please. MR. BURLAGE: Please let me know when the witness has that before him. MR. BURLAGE: Please let me know when the witness has that before him. MR. BURLAGE: Please let me know when the witness has that before him. MR. BURLAGE: Please let me know when the witness has that before him. MR. BURLAGE: Please let me know when the witness has that before him. MR. BURLAGE: Obey and the witnesh as the next exhibit, 27, please. MR. BURLAGE: Obey and the witnesh as the next exhibit, 27, please. MR. BURLAGE: Obey and the witnesh as the next exhibit, 27, please. MR. BURLAGE: Obey and before the witness has the fore him. MR. BURLAGE: Obey of face did the witnesh as the next exhibit, 27, please. MR. BURLAGE: Obey of face did the this is the invoice generated by O.W. Bunker Germany to Hapag-Lloyd for the supply of face did the approximately 2700 metric tons of face did to the MV SANTA ROBERTA on October 9, 2014? A. Yes. MR. BURLAGE: Obey of face did the witness and paper before the witness as a manual of USD 1,495,860.94; is that correct? MR. BURLAGE: Obey of face did the supply of face did the paper before the witness as the next exhibit, 27, please. MR. BURLAGE: Obey of face did the witnesh of face and the witnesh of the witne	1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
3 MR, HEILIG: Is that 25? 4 MR, BURLAGE: 25 was the GTCs. 5 MR, HEILIG: (I'm sorry. 6 MR, BURLAGE: This is 26. 7 Justin, can you please put before the witness what's been produced by O.W. Germany and marked OWG 9949-000042. I will mark this as the next exhibit, 27, please. 10 MW SANTA ROBERTA on October 9, 2014? 11 (Whereupon, Exhibit 27 was marked at this time.) 12 MW SANTA ROBERTA on October 9, 2014? 12 MW SANTA ROBERTA on October 9, 2014? 13 MR, BURLAGE: Please let me know when the witness has that before him. 14 the witness has that before him. 15 THE WITNESS: I've got it. 16 Q. Mr. Gronenberg, have you ever seen this document before? 17 this document before? 17 MR, BURLAGE: Okay. Justin, please place before the witness a document, OWG 9949-000130. And I'll mark this as I believe were up to 28. (Whereupon, Exhibit 28 was marked at this time.) 17 MR, BURLAGE: Okay. Justin, please place before the witness a document, OWG 9949-000130. And I'll mark this as I believe were up to 28. (Whereupon, Exhibit 28 was marked at this time.) 17 MR, BURLAGE: Okay. Justin, please place before the witness a document, OWG 9949-000130. And I'll mark this as I believe were up to 28. (Whereupon, Exhibit 28 was marked at this time.) 17 MR, BURLAGE: Okay. Justin, please place before the witness a document, OWG 9949-000130. And I'll mark this as I believe were up to 28. (Whereupon, Exhibit 28 was marked at this time.) 18 MR, BURLAGE: Okay. Justin, please place before the witness a document, OWG 9949-000130. And I'll mark this as I believe were up to 28. (Whereupon, Exhibit 28 was marked at this time.) 17 MR, Gronenberg? 18 MR, HEILIG: Objection to form. 19 MR, HEILIG: Objection, How about we have a marked at this time.) 19 MR, HEILIG: Objection, How about we have a more place before the witness a document of the first bewines of fuel oil to the first bewines of fuel oil to the first bewines of fuel oil to the first	2		2	
MR. BURLAGE: 25 was the GTCs. MR. HELLIG: I'm sorry. MR. BURLAGE: This is 26. Justin, can you please put before the witness what 5 been produced by O.W. Germany and marked OWG 9949-000042. I will mark this as the next exhibit, 27, please. (Whereupon, Exhibit 27 was marked at this time) MR. BURLAGE: Please let me know when the witness has that before him. THE WITNESS: I've got it. MR. BURLAGE: Please let me know when the witness has that before him. MR. BURLAGE: Please let me know when the witness has that before him. MR. BURLAGE: Please let me know when the witness has that before him. MR. BURLAGE: Okey. Justin, please an amount of USD 1,495,860.94; is that correct? MR. BURLAGE: Okey. Justin, please an amount of USD 1,495,860.94; is that correct? MR. BURLAGE: Okey. Justin, please his document before? MR. BURLAGE: Okey. Justin, please were up to 28. (Whereupon, Exhibit 27 was marked at this time.) THE WITNESS: I got it. Q. Is this a document that would be produced in O.W. Germany's regular course of 24 business? A. Yes. De Jour see that of invoice 9 October 2014? MR. HELLIG: Objection to form. A. Yes. A. Yes. A. Yes. Do you see that? A. Yes. Do you see that? A. Yes. A. Yes, we regularly receive those. Q. Is that an O.W. Bunker Germany MR. HELLIG: Objection to form. A. Yes. A. Yes. Q. Is this a document that invoice that's the date of invoice 9 October 2014? Do you see that? A. Yes. A. Yes, we regularly receive those. Q. Is this a document that manner. A. Yes, we regularly receive those. Q. Is this a document that manner. A. Yes, we regularly receive those. Q. Is this a document that manner. A. Yes, we regularly receive those. Q. Is this a document that manner. A. Yes, we regularly receive those. Q. In the word — you have to forgive me that the manner. A. Yes, we regularly receive those. Q. Subate and O.W. Bunker Germany invoice number? A. Yes. A. Yes, we regularly receive those. Q. In the word — you have to forgive me the word in the top of this box, the shaded b		<i>'</i>		
S	4			
6 MR, BURLAGE: This is 26. 7 Justin, can you please put before the 8 witness whart's been produced by O.W. Germany and marked OWG 9949-000042. I will mark this 10 as the next exhibit, 27 nglease. 11 (Whereupon, Exhibit 27 was marked at 12 this time.) 12 this time.) 13 MR, BURLAGE: Please let me know when 14 the witness hast that before him. 15 THE WITNESS: I've got it. 16 Q. Mr, Gronenberg, have you ever seen 17 this document before? 18 A. No. 19 Q. Okay. Do you recognize this as an 19 invoice produced by O.W. Bunker Germany? 21 A. Yes. 22 Q. Is it the regular course of 24 business? 23 A. Correct. 24 Do you see that? 25 A. Yes. 26 Q. Okay. Please just take a moment to 27 familiarize yourself with the document and just 18 let me know when you're ready to discuss. 19 A. Yes. 20 Do you see on the top right there 21 Do you see that? 22 D. Is that an O.W. Bunker Germany 23 A. Yes. 24 Q. So, is it fair to say would you agree that this is the invoice gemerated by O.W. Bunker Germany 24 disproximately 2700 metric tons of fuel oil to the 25 MY SANTA ROBERTA on October 9, 2014? 26 A. Yes. 27 MR. BURLAGE: Please let me know when 28 MR BURLAGE: Please let me know when 29 phace before the witness a document, OWG 2949-000130. And I'll mark this as I believe we're up to 2.8. 21 MR. BURLAGE: Okay. Justin, please we're up to 2.8. 22 Q. Have you seen this document of this time.) 23 HIWITNESS: I'got it. 24 Do you seen that would be 25 produced in O.W. Germany's business to produce such documents? 26 A. Yes. 27 A. Yes. 28 A. Correct. 29 Do you see on the top right there 29 A. I'm okay. Ready. 20 Do you see that? 21 Do you see that? 22 Q. Do you see that? 23 A. Yes. 24 A. Yes. 25 A. Correct. 26 Do you see that? 27 A. Yes. 28 A. Yes. 29 A. I'm okay. Ready. 30 Correct? 31 A. Yes. 31 A. Yes. 32 A. Yes. 33 A. Yes. 34 A. Yes. 35 A. Yes. 36 Please let me know when you're ready to discuss. 36 Please let me know when you're ready to discuss. 37 A. Yes. 38 Q. Is that an O.W. Bunker Germany 39 A. Yes. 30 Q. Do you see underneath that invoice	5			
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11 (Whereupon, Exhibit 27 was marked at 12 this time.) 13 MR BURLAGE: Please let me know when 14 the witness has that before him. 15 THE WITNESS: I've got it. 16 Q. Mr. Gronenberg, have you ever seen 16 this document before? 17 this document before? 18 A. No. 19 Q. Okay. Do you recognize this as an 20 invoice produced by O.W. Bunker Germany? 21 A. Yes. 22 Q. Is this a document that would be 23 produced in O.W. Germany's regular course of business? 25 A. Correct. 26 Q. Is it the regular course of O.W. 3 Germany's business to produce such documents? 4 MR. HEILIG: Objection to form. 5 A. Yes. 6 Q. Okay. Please let me know when 14 that's the date of invoice 9 October 2014? 15 Do you see underneath that invoice 16 number it lists 119-29378. 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany 19 invoice number? 20 A. Correct. 21 Q. Under that you see order number 21 that's the date of invoice 9 October 2014? 22 Do you see that? 23 A. Yes. 24 A. Yes. 25 A. Correct. 26 Q. Do you see on the top right there 27 Do you see that? 28 Q. Is that an O.W. Bunker Germany 19 invoice number? 29 A. Correct. 20 Q. Is the date of invoice 9 October 2014? 21 Do you see that? 22 Do you see that? 23 A. Yes. 24 A. Yes. 25 A. Correct. 26 Q. Do you see on the top right there 27 Do you see that? 28 Q. Is that an O.W. Bunker Germany 29 A. Yes. 20 Could you please ethat O.W. Germany invoice and on the top of this box, the shaded box, "zahlungsavis," can you please tell me what that means? 29 A. Yes. 20 Could you please ethat? 20 Could you please ethat out of USD 1,495,860,94; is that correct? 20 A. Yes. 21 M. Yes. 22 Mr. BURLAGE: Okay. Justin, please place before the witness a document, OWG 29949-000130. And l'Il mark this as I believe we're up to 28. 24 A. No. 25 Mr. Gronenberg. 26 Whereupon, Exhibit 28 was marked at this time.) 27 THE WITNESS: I got it. 28 Wr. Gronenberg. 29 A. No. 20 Do you recognize this as an 29 I'll EWITNESS: I got it. 29 A. Yes. 20 Do you recognize this at this time.) 21 Face for the witness a document, OWG 22 What is it? 2				
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THE WITNESS: I've got it. Q. Mr. Gronenberg, have you ever seen this document before? A. No. Q. Okay. Do you recognize this as an invoice produced by O.W. Bunker Germany? A. Yes. Page 63 Page 65 A. Yes. A. Yes. MR. BURLAGE: Okay. Justin, please place before the witness a document, OWG we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, we're up to 28. (Whereupon, Exhibit 28 was marked at this time.) THE WITNESS: I got it. Q. Have you seen this document before, Mr. Gronenberg? A. No. Q. Do you recognize what this document and just let me know when you're ready to discuss. A. Yes. A. Yes. A. Yes. A. Yes. A. I'm okay. Ready. Do you see on the top right there that's the date of invoice 9 October 2014? The word on the top of this box, the shaded box, "zahlungsavis," can you please tell me what that means? A. Yes. Payment information. Q. Could you please read for the record the first few lines of text underneath of that in tenglish.				
16 Q. Mr. Gronenberg, have you ever seen 17 this document before? 18 A. No. 19 Q. Okay. Do you recognize this as an 20 invoice produced by O.W. Bunker Germany? 21 A. Yes. 22 Q. Is this a document that would be 23 produced in O.W. Germany's regular course of 24 business? 25 A. Correct. 26 Q. Is it the regular course of O.W. 3 Germany's business to produce such documents? 4 MR. HEILIG: Objection to form. 5 A. Yes. 6 Q. Okay. Please just take a moment to 7 familiarize yourself with the document and just 8 let me know when you're ready to discuss. 9 A. I'm okay. Ready. 10 Q. Do you see on the top right there 11 that's the date of invoice 9 October 2014? 12 Do you see underneath that invoice 15 Do you see that? 16 Do you see hat? 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany 19 invoice number? 20 A. Yes. 21 THE WITNESS: I got it. 22 Q. Have you seen this document before, 23 Mr. Gronenberg? 24 A. No. 25 Q. Do you recognize what this document 26 A. No. 27 A. No. 28 Page 65 29 A. Yes. 20 A. Yes. 21 - BORIS GRONENBERG - 22 is? 23 A. Yes. 24 A. No. 25 Q. Do you recognize what this document 25 A. Yes. 26 Q. Okay. Please just take a moment to 26 familiarize yourself with the document and just 27 A. Yes. 28 Correct: 29 A. Correct. 20 Q. Do you see on the top right there 20 Do you see on the top right there 21 that's the date of invoice 9 October 2014? 21 Do you see underneath that invoice 22 Do you see that? 23 A. Yes. 24 A. No. 25 Q. Do you recognize what this document 26 A. Yes. 27 A. Yes. 28 A. Yes. 29 A. Yes. 20 Could you please tell me what that means? 20 A. Yes. Payment information. 21 English? 22 A. No. 23 A. Yes. Payment information. 24 Yes. Payment information. 25 Yes. Payment information. 26 Yes. Payment information. 27 Yes. Payment information. 28 Yes. Payment information. 29 Could you please read for the record the first few lines of text underneath of that in English? 29 MR. HEILIG: Objection. How about we have the interpreter do that?				
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18 A. No. 19 Q. Okay. Do you recognize this as an 20 invoice produced by O.W. Bunker Germany? 21 A. Yes. 22 Q. Is this a document that would be 23 produced in O.W. Germany's regular course of 24 business? 25 A. Correct. 26 Q. Is it the regular course of O.W. 3 Germany's business to produce such documents? 4 MR. HEILIG: Objection to form. 5 A. Yes. 6 Q. Okay. Please just take a moment to 7 familiarize yourself with the document and just let me know when you're ready to discuss. 9 A. I'm okay. Ready. 10 Q. Do you see on the top right there that's the date of invoice 9 October 2014? 11 Do you see that? 12 Do you see that? 13 A. Yes. 14 Q. Do you see underneath that invoice number it lists 119-29378. 15 Do you see that? 16 Q. Is that an O.W. Bunker Germany invoice number? 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany invoice number? 20 A. Correct. 21 Q. Under that you see order number in 119-28179? 22 M. Yes. 24 A. No. 25 Q. Do you recognize what this document before, Mr. Gronenberg? 24 A. No. 25 Q. Do you recognize what this document before, Mr. Gronenberg? 26 A. Yes. 27 A. No. 28 Page 63 Page 65 Page 65 Page 65 A. Yes. 4 Q. What is it? 4 A. Yes. 5 A. Information from Hapag-Lloyd to us about payment. 6 Q. Is this a document that O.W. Germany, correct? 9 A. Correct. 10 Q. Is this a document that O.W. Germany would receive in its regular course of business with Hapag? 11 A. Yes. 12 Q. The word you have to forgive me because I don't speak German the word on the top of this box, the shaded box, "zahlungsavis," can you please tell me what that means? 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany invoice number? 29 A. Correct. 20 A. Correct. 20 G. Under that you see order number in the first few lines of text underneath of that in the first few lines of text underneath of that in the first few lines of text underneath of that in the first few lines of text underneath of that in the first few lines of text underneath of that in the first few lines of text underneath of that in the first few lines of text un				*
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21 A. Yes. 22 Q. Is this a document that would be 23 produced in O.W. Germany's regular course of 24 business? 25 A. Correct. Page 63 1 -BORIS GRONENBERG - 2 Q. Is it the regular course of O.W. 3 Germany's business to produce such documents? 4 MR. HEILIG: Objection to form. 5 A. Yes. 6 Q. Okay. Please just take a moment to 7 familiarize yourself with the document and just let me know when you're ready to discuss. 9 A. I'm okay. Ready. 10 Q. Do you see on the top right there 11 that's the date of invoice 9 October 2014? 12 Do you see that? 13 A. Yes. 14 Q. Do you see that? 15 Do you see that? 16 Do you see that? 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany invoice number? 19 A. Correct. 20 Under that you see order number 21 I19-28179? 22 MR. HEILIG: Objection. How about we have the interpreter do that?				-
22 Q. Is this a document that would be produced in O.W. Germany's regular course of 24 business? 25 A. Correct. Page 63 - BORIS GRONENBERG - 2				
produced in O.W. Germany's regular course of business? A. Correct. Page 63 -BORIS GRONENBERG - Q. Is it the regular course of O.W. MR. HEILIG: Objection to form. A. Yes. Q. Okay. Please just take a moment to familiarize yourself with the document and just let me know when you're ready to discuss. A. I'm okay. Ready. Q. Do you see on the top right there that's the date of invoice 9 October 2014? Do you see that? A. Yes. Q. Do you see underneath that invoice number it lists 119-29378. Do you see that? A. Yes. Q. Is that an O.W. Bunker Germany invoice number? A. Yes. Payment information. A. Yes. Payment information. A. Yes. A. Y				=
24 business? 25 A. Correct. Page 63 - BORIS GRONENBERG - 2 Q. Is it the regular course of O.W. 3 Germany's business to produce such documents? 4 MR. HEILIG: Objection to form. 5 A. Yes. 6 Q. Okay. Please just take a moment to 7 familiarize yourself with the document and just let me know when you're ready to discuss. 9 A. I'm okay. Ready. 10 Q. Do you see on the top right there 11 that's the date of invoice 9 October 2014? 12 Do you see that? 13 A. Yes. 14 Q. Do you see underneath that invoice number it lists 119-29378. 15 Do you see that? 16 Do you see that? 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany invoice number? 19 A. Correct. 20 A. Correct. 21 Q. Under that you see order number 22 119-28179? 23 A. Yes. 24 A. No. 25 Q. Do you recognize what this document 24 BORIS GRONENBERG - 25 is? 26 A. Ves. 27 A. Yes. 28 A. Yes. 29 A. Yes. 30 A. Yes. 40 Q. What is it? 40 Q. What is it? 41 Q. Under that you see on the top right there 41 Do you see on the top right there 42 Do you see that? 41 Q. Under that you see order number 42 Do you see that? 41 Q. Under that you see order number 42 Do you see that? 41 Q. Could you please read for the record the first few lines of text underneath of that in 42 English? 43 A. Yes. 44 Q. What is it? 45 A. Information from Hapag-Lloyd to us about payment. 46 Q. "To us," do you mean O.W. Germany 47 Q. "To us," do you mean O.W. Germany 48 correct? 49 A. Correct. 40 Q. Is this a document that O.W. Germany 40 would receive in its regular course of business with Hapag? 41 A. Yes, we regularly receive those. 41 Q. The word you have to forgive me because I don't speak German the word on the top of this box, the shaded box, "zahlungsavis," can you please tell me what that means? 41 A. Yes. Payment information. 42 Could you please read for the record the first few lines of text underneath of that in English? 43 A. Yes. 44 Q. What is it? 45 A. Information from Hapag-Lloyd to us about payment. 46 Q. "To us," do you mean O.W. Germany 47 Q. "To us," do you mean O.W. Germany 48 correct? 4				
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1 - BORIS GRONENBERG - 2 Q. Is it the regular course of O.W. 3 Germany's business to produce such documents? 4 MR. HEILIG: Objection to form. 5 A. Yes. 6 Q. Okay. Please just take a moment to 7 familiarize yourself with the document and just 8 let me know when you're ready to discuss. 9 A. I'm okay. Ready. 10 Q. Do you see on the top right there 11 that's the date of invoice 9 October 2014? 11 that's the date of invoice 9 October 2014? 12 Do you see that? 13 A. Yes. 14 Q. What is it? 15 A. Information from Hapag-Lloyd to us about payment. 16 Q. To us," do you mean O.W. Germany, correct? 10 Q. Is this a document that O.W. Germany would receive in its regular course of business with Hapag? 11 A. Yes. 12 Q. Do you see underneath that invoice number it lists 119-29378. 13 A. Yes. 14 Q. The word you have to forgive me because I don't speak German the word on the top of this box, the shaded box, "zahlungsavis," can you please tell me what that means? 16 Do you see that? 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany invoice number? 19 invoice number? 20 A. Correct. 20 A. Correct. 21 Q. Under that you see order number 22 Under that you see order number 23 A. Yes. 24 MR. HEILIG: Objection. How about we have the interpreter do that?				
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12			11	
13 A. Yes. 14 Q. Do you see underneath that invoice 15 number it lists 119-29378. 16 Do you see that? 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany 19 invoice number? 20 A. Correct. 21 Q. Under that you see order number 22 119-28179? 23 A. Yes. 13 A. Yes, we regularly receive those. 14 Q. The word you have to forgive me 15 because I don't speak German the word on the 16 top of this box, the shaded box, "zahlungsavis," 17 can you please tell me what that means? 18 A. Yes. Payment information. 19 Q. Could you please read for the record 20 the first few lines of text underneath of that in 21 English? 22 MR. HEILIG: Objection. How about we have the interpreter do that?			12	=
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16 Do you see that? 17 A. Yes. 18 Q. Is that an O.W. Bunker Germany 19 invoice number? 20 A. Correct. 21 Q. Under that you see order number 22 119-28179? 23 A. Yes. 16 top of this box, the shaded box, "zahlungsavis," 17 can you please tell me what that means? 18 A. Yes. Payment information. 19 Q. Could you please read for the record the first few lines of text underneath of that in English? 22 MR. HEILIG: Objection. How about we have the interpreter do that?	1			
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18 Q. Is that an O.W. Bunker Germany 19 invoice number? 20 A. Correct. 21 Q. Under that you see order number 22 119-28179? 23 A. Yes. 18 A. Yes. Payment information. 19 Q. Could you please read for the record 20 the first few lines of text underneath of that in 21 English? 22 MR. HEILIG: Objection. How about we have the interpreter do that?		3	17	
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20 A. Correct. 21 Q. Under that you see order number 22 119-28179? 23 A. Yes. 20 the first few lines of text underneath of that in 21 English? 22 MR. HEILIG: Objection. How about we have the interpreter do that?	19		19	*
21 Q. Under that you see order number 22 119-28179? 23 A. Yes. 21 English? 22 MR. HEILIG: Objection. How about we have the interpreter do that?	2.0		20	
22 119-28179? 22 MR. HEILIG: Objection. How about we have the interpreter do that?	21	Q. Under that you see order number	21	
23 A. Yes. 23 have the interpreter do that?	2.2	•	22	MR. HEILIG: Objection. How about we
	23	A. Yes.	23	
	24	Q. This would be for the supply listed 9	24	MR. BURLAGE: That's fine.
25 October 2014, correct? 25 THE INTERPRETER: Ladies and			25	THE INTERPRETER. I adject and

	Page 66		Page 68
1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
2	gentlemen, so per the transfer to abroad,	2	we just reviewed.
3	meaning the transfer made abroad number	3	MR. HEILIG: Page 42.
4	59564776, we have settled the following	4	A. Yes.
5	items, subject to the correctness of your	5	Q. Looking at these two documents
6	delivery or performance/payment and its	6	together and the entry that we just reviewed for
7	accounting calculation.	7	the SANTA ROBERTA on what's been marked as Exhib
8	It has many meaning in this case or	8	28, would you agree with me that this Exhibit 28
9	accounting for it or something.	9	is a payment advice from Hapag-Lloyd telling
10	We have settled subject to	10	O.W. Germany that it has paid O.W. Germany for the
11	correctness.	11	delivery of fuel to the SANTA ROBERTA which is
12	MR. MALONEY: I'm just going to make	12	reflected on this invoice for Exhibit 27?
13	a note for the record that the interpreter is	13	MR. HEILIG: Objection the to form.
14	here to translate the oral questions and	14	MR. FERNANDEZ: Objection to form.
15	answers.	15	A. Yes.
16	MR. BURLAGE: Fair. We can move on.	16	Q. Sorry, what was the answer?
17	THE INTERPRETER: It's a lot of terms	17	A. Yes.
18	depending	18	Q. You agree that the invoice number on
19	MR. BURLAGE: Understood. I'm going	19	Exhibit 27 matches the invoice number on Exhibit
20	to turn back to the witness, Justin.	20	28?
21	Q. Mr. Gronenberg, what is your	21	A. Yes.
22	understanding of what this document means?	22	Q. Now, do you know are you aware
23	A. Confirmation of payment to us.	23	whether O.W. Germany has been paid for this
24	Q. Confirmation of payment to us.	24	delivery?
25	A. For the supplies listed here.	25	A. No, I don't know if they received the
23	Page 67		Page 69
1	-	1	
1	- BORIS GRONENBERG -	1	- BORIS GRONENBERG -
2	Q. Okay. Let me turn your attention to	2	fund.
3	the second, are these vessels listed under the	3	Q. Who would know that?
4	column that says datum or datum, D-A-T-U-M?	4	A. Nowadays the insolvency
5	A. Yes, below the date are vessel names.	5	administrator.
6	Q. Now, let me direct your attention to	6	Q. Now, in the regular course of
7	I guess the second entry from the bottom. Do you	7	O.W. Germany's business, would there be a record
8	see in the column, the second column from the left	8	of such a payment made by Hapag to O.W. Germany
9	where it says 119-29378?	9	A. I don't understand your question.
10	Do you see that?	10	Q. Okay. Would there be an accounting
11	A. Yes.	11	of this receipt of this payment by Hapag in
12	Q. Then moving over, do you see is	12	O.W. Germany's files?
13	that correct to state that that is October 9, 2014	13	MR. HEILIG: Objection to form.
14	is the date?	14	A. Normally, yes.
	A. Correct.	15	Q. Would that be electronic or in a
15		16	paper file?
16	Q. And moving over where it says 1 is	16	^ ^
16 17	that correct that that would represent	17	A. Both.
16 17 18	that correct that that would represent \$1,495,860.94?	17 18	A. Both. Q. Both, okay.
16 17 18 19	that correct that that would represent \$1,495,860.94? A. Correct.	17 18 19	A. Both. Q. Both, okay. Do you know if O.W. Germany has
16 17 18 19 20	that correct that that would represent \$1,495,860.94? A. Correct. Q. That would be for the delivery of	17 18 19 20	A. Both. Q. Both, okay. Do you know if O.W. Germany has produced that record of payment in this action?
16 17 18 19 20 21	that correct that that would represent \$1,495,860.94? A. Correct. Q. That would be for the delivery of fuel to the SANTA ROBERTA on October 9, 2014,	17 18 19 20 21	A. Both. Q. Both, okay. Do you know if O.W. Germany has produced that record of payment in this action? A. No, I don't know.
16 17 18 19 20 21 22	that correct that that would represent \$1,495,860.94? A. Correct. Q. That would be for the delivery of fuel to the SANTA ROBERTA on October 9, 2014, correct?	17 18 19 20 21 22	A. Both. Q. Both, okay. Do you know if O.W. Germany has produced that record of payment in this action? A. No, I don't know. MR. HEILIG: Note my objection.
16 17 18 19 20 21 22 23	that correct that that would represent \$1,495,860.94? A. Correct. Q. That would be for the delivery of fuel to the SANTA ROBERTA on October 9, 2014, correct? A. Correct.	17 18 19 20 21 22 23	A. Both. Q. Both, okay. Do you know if O.W. Germany has produced that record of payment in this action? A. No, I don't know. MR. HEILIG: Note my objection. MR. BURLAGE: To the extent it hasn't
16 17 18 19 20 21 22	that correct that that would represent \$1,495,860.94? A. Correct. Q. That would be for the delivery of fuel to the SANTA ROBERTA on October 9, 2014, correct?	17 18 19 20 21 22	A. Both. Q. Both, okay. Do you know if O.W. Germany has produced that record of payment in this action? A. No, I don't know. MR. HEILIG: Note my objection.